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Presidential Address



Delivered by
Srijut Ramananda Chatterjee



**At the Third Session of
The Indian States' People's
Conference**

Held at Bombay on the 9th & 10th June, 1931

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MEMBERS OF THE INDIAN STATES' PEOPLE'S CONFERENCE,

I thank you most sincerely for the honour you have conferred upon me by electing me to preside over your deliberations this year. When your call came, I responded with great diffidence. My diffidence was due to the fact that the person chosen to occupy this chair has to discharge very onerous duties, which require certain qualifications which I do not possess. I have no personal knowledge of the details of administration or of the political conditions of the Indian States, and my studies on those subjects have not been sufficiently extensive and deep. But perhaps you thought that the views of an outside observer might be of some interest and use. This has led me to accept your kind invitation in spite of my unworthiness. I bespeak your indulgence for my shortcomings, whether due to incompetence, want of sufficient leisure or other causes,

Like the British school of political thought which considers that India is Britain's domestic concern, in which it would be impertinence for foreign outsiders to meddle, there is a kind of sentiment among some Indian Princes which prompts them to think and sometimes to say openly that, if anything has to be done in relation to their States, they will themselves do it, if and when they think it necessary. It would not be relevant to discuss on this occasion any notions which any British school of political thought might have. But it is necessary to offer some observations on the sentiment of the Princes referred to above. Even if the people of the Indian States and the people of British India were such utter strangers to one another as, for example, the Abyssinians and the Eskimoes are, we might have taken some interest in the affairs of our Indian States' neighbours on the principle of the saying of the Roman author Terence, "I am a man; I deem nothing that relates to man a matter foreign to myself,"

(*Homo sum; humani nihil a me alienum puto*). Or, we might have gone to our ancient sages for counsel and tried to shape our conduct along lines suggested in the maxim,

अयं मित्रः परोवेति गणना लघुचेतसाम् ।

उदारचरितानान्तु वसुधैव कुटुम्बकम् ॥

“Only little-minded persons think, ‘This man is our own, or this man is a stranger’; but to noble-minded persons the whole world is kin.”

But it is not really necessary for us to run the risk of being ridiculed for professing to follow the high precepts of Indian or foreign teachers. For, the people of British India and the people of the Indian States are not strangers to one another like the Bantus and the Peruvians, for example. The division of India into British India (I am sorry I shall have to use this humiliating term repeatedly) and Indian India is political and administrative, not a geographical division, nor a natural division in any other sense. For India is one.

Englishmen themselves, when they do not write as imperialist politicians, recognize the unity of India. I refer particularly to them, as most of them are interested in denying the oneness of India. Mr. Ramsay MacDonald, the present British Prime Minister, writes in *The Government of India*:

“India from the Himalayas to Cape Comorin, from the Bay of Bengal to Bombay, is naturally the area of a single government. One has only to look at the map to see how geography has foreordained an Indian empire. Its vastness does not obscure its oneness; its variety does not hide from view its unity. The Himalayas and their continuing barriers frame off the great peninsula from the rest of Asia. Its long rivers, connecting its extremities and its interior with the sea, knit it together for communication and transport purposes; its varied productions, interchangeable with one another, make it a convenient industrial unit,

maintaining contact with the world through the great ports to the East and West.

"Political and religious traditions have also welded it into one Indian consciousness. This spiritual unity dates from very early times in Indian culture."

According to the historian Vincent Smith (*Early History of India*):

"India, circled as she is by seas and mountains, is indisputably a geographical unit, and, as such, rightly designated by one name. Her type of civilization, too, has many features which differentiate it from that of all other regions of the world, while they are common to the whole country in a degree sufficient to justify its treatment as a unit in the history of the social, religious, and intellectual development of mankind."

William Archer declares in his *India and the Future* that Indian unity is "indisputable."

Dr. J. T. Sunderland of America wrote in *The Modern Review* for April, 1928:

"The truth is, if there is a real nation in the world, a nation with a unity so longstanding and so deep (the growth of thousands of years) that it has become a part of the very intellectual and moral fibre of the people, an ingredient of their very life-blood, that nation is India. Compared with the unity of India, that of every American and European nation is superficial and ephemeral."

That India's unity is made up of variety, that many constituent elements enter into it, has been beautifully expressed by her eminent poet, Rabindranath Tagore, in the following well-known lines :

"We are one all the more, because we are many ;
 We have made room for a common love,
 A common brotherhood, through all our separateness.
 Our unlikenesses reveal the beauty of a common
 life deeper than all.

Even as mountain peaks in the morning sun
 Reveal the unity of the mountain range from
 . which they all lift up their shining heads ”

The late Miss Margaret Noble, known and respected as Sister Nivedita, wrote as follows as one who had adopted India as her Motherland :

“It requires a foreign eye to catch the wonders of Indian solidarity. It was Englishmen who first saw that our unity was so great, and our ignorance of that unity so universal, that an immense harvest might be reaped from administering our affairs and taxing us as a unit. In this sense, then, the lesson of our unity has been taught us by our English teachers As in one of the higher organisms, no limb is a mere repetition of any other, but the whole is served in some special way by each, so here also no one province duplicates or rivals the functions of any other. The Maratha serves the Bengali and the Bengali the Maratha, the Hindu and the Mohammedan find themselves complementary to one another, and the Punjabi and the Madrasí are both equally essential to the whole, in virtue of their mutual unlikeness, not their resemblances.”

It is unnecessary to quote other testimonies to India's oneness. This oneness embraces both Indian India and British India. Men of the same races, castes and creeds dwell in the Indian States and the parts of British India which lie in their vicinity, and there is every kind of social intercourse and of social relationship between the same groups dwelling near one another. The same languages are spoken in the adjoining regions of British India and Indian India. At each succeeding census British official linguists have managed to discover new languages spoken in India. According to the census of 1901 the number of our languages was 147 ; by 1911 it had increased to 220 ; and in 1921 it stood at 222. It is not yet known whether at this year's census any more Indian languages have been discovered. But there is one consoling feature in this

record of a wilderness of languages, *viz.*, that the British official linguists have not yet told the world that they have discovered any language or languages, spoken in the Indian States, which are entirely distinct from and unlike any languages spoken in the neighbouring tracts of British India.

In foreign relations British India and Indian India are treated as one unit. The Indian Delegation to the League of Nations includes some Indian prince or other, thus showing that the two are not separate entities. The disabilities suffered abroad by Indians are suffered both by British and Indian states' subjects.

India being thus one, it is natural for those who live in Indian India and British India to be interested in one another's affairs and to seek to share one another's weal and woe and promote mutual good.

The Indian National Congress has been, since its birth, the most important and most representative political organisation in India. Until recent years the members of the Congress and its leaders had for various reasons refrained from expressing any opinion on the administration of the Indian States and their general condition. But fortunately this is no longer the case. At the last Calcutta session of the Congress, on January 1, 1929, a motion made by Mr. Monilal Kothari and seconded by Mr. Satyamurthi asked for the introduction of responsible government in the Indian States and urged their rulers to make declarations guaranteeing to their subjects the elementary rights of citizenship, with a view to making India a homogeneous nation. This motion was carried. This resolution gives a clear indication of the attitude of the Indian National Congress towards the Indian States.

I have already referred to the existence of the sentiment among some Princes that, should it be necessary to do anything for the States, they would themselves do it. That is admittedly a natural sentiment. Prince or peasant,

plebeian or patrician, no one likes to be compelled to do even a good thing, a thing of advantage to himself. And if the Princes would themselves do what would really conduce to the enlightenment and prosperity of their people and at the same time consolidate their own power thereby, no one would be better pleased and feel more proud than the political workers of both the artificial divisions of India. We should indeed hold our heads high, if we could declare that our Princes had set an example to the British Indian Government in various directions. In some directions a few progressive Indian States have already set such examples, and we are proud of them.

Every Indian Prince would be able to set such examples if he would become of his own choice a limited or constitutional ruler, governing according to laws made by a popular legislature. It must be plain to every intelligent prince that, whatever the power and wisdom of a benevolent autocrat, they must be limited, as the power and wisdom of even the greatest of men are limited. It would also be plain to him that in no country and state can a succession of benevolent, powerful and wise autocrats be ensured. And even if it could be assured, it is a great defect of autocracies even of a benevolent type that in a benevolent autocracy the autocrat himself is practically the only patriot and that, therefore, the power to do public good possessed by all the other possible patriots in the state or the country remain undeveloped and unused. This is a great loss to the state and to the world. On the other hand, in a state having a representative form of government, there is a possibility of every adult becoming a worker for public good. I have argued on the assumption that autocrats are benevolent, which unhappily is seldom the case. Irresponsible power generally leads to abuse of power and oppression and waste.

For these reasons and also because the people of a state are its most important factor, the princes of all states should

make the people their co-workers. I hope it will not cause any surprise even to princely ears to be told that the *people are the most important element in a state*. To those who are accustomed to think on such subjects, it is self-evident ; because it is the people who create the wealth which makes the rulers rich, it is the people who die to defend crown and country. But those to whom it is not so, may be reminded of two facts. One is that from ancient times there have been in every age many states which had no Emperors, Kings or Princes, but there has never been and there can never be any state consisting only of its Emperor, King or Prince and their family and servants. This shows that it is the people who form the indispensable element of a state, not the hereditary ruler called emperor, king, or by any other name. The second fact is that, if we count all the civilized independent countries of the world, large and small, we find that the majority are at present republics. Taking up a recent book of reference, I find that of the seventy independent countries of the world, forty-five are republics. Of the remaining states, the kingdoms of Albania, Belgium, Bulgaria, Denmark, Great Britain and Northern Ireland, Hungary, Netherlands, Norway, Rumania, Sweden, Japan, Afghanistan and Persia have representative legislatures. Besides these, the Irish Free State, the Union of South Africa, Canada, Newfoundland, Australia, New Zealand, etc., have parliamentary institutions. This shows that in most of the independent countries of the world, the will of the people is supreme, and in the majority of the remaining countries the will of the people is a powerful factor to reckon with. The latter part of the previous sentence is partly an understatement. For, the most important kingdom of the world, Great Britain, is practically a hereditary republic, where the king reigns but does not rule, and the self-governing dominions of the British Empire are practically republics. The most powerful autocrats in the world—the Czar of Russia and the Kaiser of Germany, for example, thought in their

day that their will must prevail for all time as against that of their peoples. But history has shown that they were mistaken. The most powerful kingdom to-day is Great Britain, and that is because there the power of the monarch is broadbased on the affection and will of his people. The Princes of the Indian States owe and profess loyalty to His Majesty King George V as their suzerain. Just as imitation is the sincerest form of admiration, so may it be said that imitation of the suzerain would be the sincerest form of demonstration of our Princes' loyalty to His Majesty. And it may be safely presumed that His Majesty would not appreciate the loyalty of the Indian Princes less than he does now, if the exhibition of their loyalty took this particular practical form, that is, if they made their states limited monarchies.

But just as the British rulers of India and the British people have all along shown unwillingness to recognize the fitness of India and the Indians for self-rule and free representative institutions, urging (of course, mistakenly) as a reason for their reluctance that India has never known and been used to representative government and that Indians appreciate only benevolent paternalism, similarly our Princes, at least the majority of them, perhaps also think that it would go against Indian political traditions if they became constitutional rulers. But it is a mistake to think that the principal ruling religious communities of India never knew in any age any other kind of government except absolute monarchy. The three religious communities which ruled India in pre-British days were the Hindus (including the Buddhists and the Jains), the Musalmans and the Sikhs.

As regards the first community, I gave extracts from the works of different British historians, like Rhys Davids, Vincent Smith, etc., years ago in *The Modern Review*, to prove the existence of republics in ancient India and came to the conclusion that republics existed in

India, that they existed at least as early as *the* days of Buddha and Mahavira (sixth century B. C.) and as late as the reign of Samudragupta (fourth century A. D.), and that they were situated in the extensive tract of country stretching from the Panjab to Bihar and from Nepal to the southern borders of the Central Provinces. So the republican form of government had a duration of at least one thousand years in ancient India. I do not know of any other country, ancient or modern, where democracy has prevailed for a longer period. The ancient Indian republics were, no doubt, small. But so were most ancient republics in other countries. In ancient Italy the republic of Rome lasted for five hundred years. In ancient Greece the republic of Athens lasted for a little more than three hundred years. And these countries, which in ancient times were dotted over with small republics, are certainly not as extensive as the parts of India which in olden days could boast of many republics.

I do not mean to suggest that in times past India did not have absolute monarchies. It certainly did. But there was also constitutional monarchy of different kinds with popular and other assemblies, there were elected kings, there were prescribed methods and ceremonies for deposing bad kings, etc. In fact, in ancient times the Hindu race made perhaps at least as great a variety of experiments in systems of government and political machinery as any other race. As this address is not meant to be a treatise on ancient Hindu Polity, I am not able to cite proofs of the statements I have made. These can be easily found in books on the subject.

Regarding the question whether Muslim political thought favours democracy or absolutism, there is fortunately no need to turn to ancient times for an answer. At present most of the Muslim states of the world have political institutions of a more or less democratic character. I shall draw attention to many of these, as the subject has not generally received the attention which it deserves.

The most powerful modern Musalman state is the republic of Turkey. According to its Fundamental Law, all sovereignty belongs to the people and all power, both executive and legislative, is vested in the Grand National Assembly as being the sole representative of the people.

Persia has a National Assembly or "Majlis." Each term of the Majlis lasts two years.

The Government of Afghanistan is, since 1922, a constitutional monarchy with Legislative and State Assemblies and a Cabinet presided over by the king himself.

According to the constitution of 1928, Albania is a democratic, parliamentary, independent monarchy, without any state religion and with only one elected Chamber. Moslems form the vast majority of its inhabitants.

The constitution of the kingdom of Hejaz in Arabia provides for the setting up of certain advisory councils, comprising a Legislative Assembly in Mecca, Municipal councils in each of the towns of Medina and Jedda, and Village and Tribal councils throughout the provinces.

The government of the hereditary monarchy of Egypt is representative. Egyptians have equal legal, civil and political rights, irrespective of race, language or religion. Liberty of the individual and of religious belief is guaranteed, and compulsory elementary education is established for both sexes free in Government schools. All powers emanate from the nation.

The Mandated Territories of Syria and Lebanon are republics.

The Organic Law of Iraq provides for a limited monarchy and a responsible government. The legislative body consists of a senate of 20 nominated 'elder statesmen,' and the Lower House of 88 elected deputies.

Bashkir, Tartar, Kirghiz and Dagestan are autonomous republics. Bokhara and Khiva are socialist republics. Turkmenistan, Uzbekistan and Tajikistan are socialist soviet republics. Azerbaijan is also a socialist soviet republic.

I mention these facts to show that in most of the countries of which Moslems form the bulk of the population the system of government is more or less democratic. My object is merely to remove the wrong impression that Moslem mentality everywhere or generally favours despotism. Its exact opposite would appear to be true.

As regards the Sikhs, the late Dr. Leitner wrote in his *Indigenous Elements of Self-government of India* that "all their affairs, secular and spiritual—were regulated at the four great 'Takht's—literally Boards, Platforms, or Thrones—of Akhalghar, Anandpur, Patna, and Abchnagar, where every Sikh, great or small, had a voice...."

As the rulers of the Indian States are either Hindus or Moslems or Sikhs, I hope the facts I have mentioned will convince them that, if they gave their subjects responsible government and if they governed according to more or less democratic constitutions, that would be, not against, but entirely in accord with Hindu, Muslim and Sikh political tradition and sentiment.

I do not, of course, assume that it is the wrong belief that Indian political traditions and sentiment favour autocracy which has stood in the way of most of our princes giving responsible and representative government to their people. I gladly recognize that in a few states the rudiments of representative government exist and their rulers probably are thinking of developing them further. But in the vast majority of states reluctance to part with irresponsible power is the chief, if not the only, obstacle to the introduction of free representative institutions. It would be good if their rulers understood that representative government and the reign of law would be good both for themselves and their subjects.

I have shown in previous portions of my speech that, in the modern civilized world, republics of some kind or other and constitutional or limited monarchies with more or less democratic constitutions are the order of the day.

It is true that democracy has not yet fulfilled all the expectations of its advocates. But it is equally undeniable that, in spite of a certain amount of evil, democracy has produced greater good than autocracy. And even dictators have ruled and are ruling, not in their own right as autocrats, but, professedly at least, in the name of the people. So democracy is bound to win. The latest triumph of the popular will has been in Spain. Those rulers of the Indian States who are wedded to autocratic ideas should take the lesson of history to heart. I am not in love with the violent methods of Bolsheviks or Communists. I condemn them. But I am convinced that the best means of staving off the inroads of Bolshevism or communism into any country or state is to promote public good and concede civic and political rights to as great an extent as those "isms" claim to do.

By far the larger section, the autocratic section, of the Indian Princes depend on the British Power for the maintenance of their autocracy. And among the various motives which may have prompted British political officers in India to safeguard autocracy in the states, the principal ones were, perhaps to use the states as a foil to set off the excellence of British Indian rule by contrast and also to use the states for fighting Indian Nationalism, if need be. But, if India, or at least British India, obtains self-rule by being rid of British domination, it would not be necessary to put the Indian States to either of the above uses.

But supposing things remain as they are, no earthly power is strong enough to resist the Time-spirit. It can and will make itself felt in India, as it has done in other parts of the world. Newspapers or no newspapers, thought-waves will travel and knock against the bulwarks of medievalism, feudalism and autocracy with irresistible force.

The Indian Princes set much store by their Treaties. But they may rest assured that just as other peoples of the world have obtained their rights in spite of treaties, so will the Indian States' people.

Most Princes do not appear to bear in mind in practice that some of their treaties contain express provisions laying on them the obligation of continued good government of their states with a view to the promotion of the happiness and welfare of their people. Such provisions are to be found, for example, in the treaties with Patiala, Kolhapur, Pratapgadh, Rampur, Kuch Behar, Jhind, Kapurthala, Nabha, Ajaigarh, Bejavar, Bilaspur, Chamba, Charkari, Chatarpur, Faridkote and Mandi. These provisions in the case of most states have hitherto remained useless, because the Paramount Power has not discharged its duties to the states' people, and there is no other sanction to compel the princes to govern well except pressure exerted by that Power.

The urgency of the attainment of free citizenship by the people of the Indian States has become plainer than before owing to the recognition given to federalism in the Indian Round Table Conference. It is not necessary here to discuss the comparative merits of federal and unitary systems of government. In the present condition of India, it is only by a federation of the provinces and states of India on a democratic basis that the whole of India can be made free.

It is to be regretted that at every step, leading directly or indirectly to the federal idea, the existence of the people of the Indian states has been almost entirely ignored. It is not necessary at this stage to criticise the personnel, terms of reference, conclusions and the like of the Butler Committee. But it must be stated that it was a wrong and an injustice to the people of the states that they were not allowed to give evidence before that Committee. Then, again, though some of the Princes and some of their officers were invited to attend the Round Table Conference, the people of the States were almost entirely ignored. This injustice can yet be remedied. Ten years ago the total population of the States was 72 millions in round numbers. Now perhaps the figure

stands at 80 millions. This is twice the population of France, twice the population of Italy, almost twice the population of Great Britain and Northern Ireland and thirty per cent. more than the population of Germany. Not to allow such a large population any voice in shaping its destinies is a very grave injustice of an unheard of character in this twentieth century of the Christian era.

Some Princes have put forward the claim that they are the representatives of their people. There may be, and I believe there are, a very few Princes who are entitled by their beneficence and their democratic temper to speak for their people. But even they cannot be taken to be representatives of their people. The coming of the Labour Party into power in Britain was a revolution. The royal house of Britain, with His Majesty King George V at its head, has thoroughly adapted itself to this radical change. But even such power of adaptation on the part of royalty would not reconcile the British people to any attempt to deprive them of the right of choosing their own representatives from among themselves, if such an attempt were made. The British king is British by birth; English is his mother-tongue like that of his subjects, like most of them he is a Christian, and he conforms to the popular will and makes the people's good the sole object of his public activities. Yet he does not arrogate to himself the position of the representative of his people. Let our Indian Princes, whose suzerain King George is, learn from his example.

All the problems of a federated India cannot be discussed here. But I shall advert to a few.

The Princes and their officers who represented their view at the Round Table Conference have made it plain that they want to enter Federated India with all their autocracy maintained as at present so far as the internal affairs of their states are concerned. In any case, they want complete freedom to change or not to change the form of government of their states. If most of the States be governed, as at

present, according to the will of the ruler, and if, as is hoped for, the provinces have a somewhat democratic constitution with elected legislatures, then Federated India will present the *strange spectacle of an assemblage of parts dissimilar and opposite in structure*. This is not the case with any other federation at the present day.

A notable feature of some of the important existing federal constitutions is a declaration laying down in general terms the form of government to be adopted by the states forming parts of the federation. For example, the constitution of the United States of America contains a provision guaranteeing to every State of the Union a republican form of government. Similarly, according to the terms of the Swiss Federal Constitution, the Cantons are required to demand from the Federated State its guarantee of their constitution. This guarantee must be given provided, among other things, they ensure the exercise of political rights according to republican forms, representative or democratic. Likewise, the new German constitution provides that each state constituting the republic must have a republican constitution.

The reason for such provisions is quite plain. To make the working of a federal system smooth, nay, even tolerably practicable, its constituent parts must not contain discordant elements, having different political ideals and therefore pulling in different directions. In a federated India the provinces are to have a more or less advanced form of representative government. Such should also be the form of government in the States. If their rulers cannot make this change all at once, let them take time and do it in the course of, say, six or nine years, or five or ten years. More time cannot be necessary.

Similarity of forms of government in the states and the provinces is not demanded for the sake of artistic symmetry or of merely following the American, the Swiss or the German precedent, though it is obvious that there is

political wisdom in the provisions made by peoples who have been self-governing for a long time. Even such a diehard as Lord Winterton has written in the *Fortnightly Review* that the states should be democratized to some extent at least. I have already shown from more than one point of view why the States' people should have free representative institutions in their interest. But it is necessary in the interests of the provinces also that they should have citizens' rights. I cannot here dwell on all the reasons for making this observation. Let me state one.

Though the decisions accepted by the Round Table Conference and its Sub-committees are stated in the Report to be provisional, British public opinion seems to treat them as settled facts. It is likely, therefore, that some of them will remain unaltered. Here is one. The Federal Structure Sub-committee recommended and the conference approved of the recommendation that "Ministers should not be compelled to resign save in the event of a vote of no confidence passed by a majority of at least two-thirds of the two Chambers sitting together."

Now, the Princes have demanded on behalf of their states a certain proportion of the seats in the Federal Legislature. They may not get all that they want. But it is probable that, on the combined basis of the area and the population of the states they will get not less than one-third of the seats—particularly if Burma be separated from India. And the princes have also demanded that the members representing the states in the Legislature should be their (the Princes') nominees. Now the nominees of autocrats will naturally have a mandate to support the British bureaucracy on the tacit understanding that the bureaucracy will not interfere with the autocratic ways of the princes. Thus a Ministry which is favoured by the bureaucracy and the princes will be sure of the support of at least one-third of the members of the Federal Legislature. Out of the remaining two-thirds,

the European group and some narrowly selfish Indian members also may be expected to support such a ministry. Hence, it would be difficult to drive such a ministry out of power.

Apart from the question of dismissing ministries, so many safeguards and reservations have been proposed and the Governor-General has been proposed to be invested with such special and emergency powers to carry on the work of government not only in the reserved but in non-reserved spheres also, that without the help of States' members elected by their people it would be extremely difficult to make the Federal Assembly anything but useless for the common weal or any thing but a tool in the hands of Indian autocrats and British bureaucrats. There is also the risk of the constitution retrogressing under combined bureaucratic and autocratic influence, instead of evolving along progressive lines.

I urge, therefore, that the constitution of the States should be like that of the Provinces, if not immediately, in any case in the course of a definitely fixed short period.

It is not necessary for my purpose to examine the motives of the Princes in proposing a Federal constitution for India. Nor is it necessary for me here to ascertain whether any sacrifice on their part is involved in their agreeing to form part of the Federation. Let them have all the credit they want and have been given. Some of them have declared that they have every sympathy with the political aspirations of the people of British India. Some princes undoubtedly have such sympathy, and are entitled to praise for the same. Let them have that, too. We are not concerned to take away an iota from anybody's due meed of praise. Our concern here is to safeguard and promote the interests of the people. There is no necessary antagonism between the good of the rulers and that of the people. If the Princes are working in the interests of a

federated India, we earnestly request them to complete their beneficent activities by conferring on the subjects the boon of responsible government and by guaranteeing to them the fundamental rights of citizens.

It has been said by a Prince, acting informally as it were as the spokesman of his brethren, that the States had agreed to form part of an Indian Federation on the condition that there was responsibility in the centre. May not the people of British India also be permitted to make the stipulation that they could agree to such a federation only if the princes gave responsible government to their people? It cannot be a logical and consistent proposition that the Federal Government of India should be responsible, among others, to the princes or their nominees sitting in the Federal Assembly, but that the Princes themselves within their States should be responsible to nobody. The Federal Government cannot logically and justly be asked to be responsible to those who are themselves to be irresponsible in their "domestic concerns."

If by the constitution of Federated India the people of the Indian States are not given the same brand of citizenship as the people of British India, if the former are given an inferior political status, it would be the duty of the latter not to touch such a constitution.

The Governments of both the Provinces and the States must be responsible to their people through their elected representatives in council assembled. That is an implication of democracy. The constitution of Federated India, in order that it may actively promote the welfare of united India, must be based on a democratic foundation. That requires, among other things, a declaration of fundamental rights. The constitutions of the more important among the independent countries, old and new, which have written constitutions, safeguard the rights and liberties of their citizens by such declaration of fundamental rights. The

Indian National Congress has repeatedly asked for such a declaration as part of its scheme of reform. The authors of the Nehru Report included in it such a list of fundamental rights. Dewan Bahadur Ramachandra Rao, one of the members of the R. T. C., presented before it an able memorandum on the subject. Sir Mirza Muhammad Ismail, Dewan of Mysore, the representative of that State in the Conference, in his scheme of a federated India, admitted the desirability of including such a provision in the Indian Constitution. But nothing further was done in the Conference. It is of vital importance that when the Federal Structure Sub-Committee and the Round Table Conference as a whole meet next, the utmost attention should be given to this subject in order that the fundamental rights and liberties of the people of both the Provinces and the States may be safeguarded by including in the future the requisite provision.

In the memorandum which was presented on behalf of the Indian States' People's Conference to the Working Committee of the Congress three months ago, it was strongly urged,

- (1) That paramountcy should not be divided, and that it should ultimately vest in the central federal government;
- (2) That paramountcy may, if thought necessary, be included in the reserved 'subjects during the transition period;
- (3) That during this transition period, the Princes should so adjust their governments as to establish responsible government in the states and undertake to bring about progressive realization of the same;
- (4) That the states should be admitted into the federation only on condition that the standard of government in them is of the same type as prevailing in those of British Indian units;
- (5) That this condition alone will approximate the

- states to the British Indian Provinces and would accelerate the growth of united India; that this condition alone would enlarge the number of federal subjects and consequently diminish the number of provincial subjects and this process alone will conduce to the full development of a real All-India federation;
- (6) That the states should be represented in the federation only through the elected representatives of the people and that the nominess of the Princes should on no account be permitted to sit in any Houses of the Federal Legislature.
- (7) That federal laws relating to federal subjects must directly be operative in the states and that administration of federal subjects must be entrusted to the federal executive and that any violation of federal laws or any vagaries in the administration of federal subjects committed within the limits of Indian states must be cognizable by the federal supreme court.
- (8) That until responsible government is established in the states and until an independent judiciary comes into existence and until the rule of law prevails in the states, the judiciary in the states must be linked to the federal supreme court; and
- (9) That the declaration of fundamental rights of the people must be embodied in the federal constitution and these rights must be guaranteed to the States' people and the infringement of the same must be cognizable by the federal supreme court;
- (10) That the people of the States must be enabled to send their representatives to participate in the future conferences convened for shaping the Indian constitution.

These demands are all worthy of support.

What the motives of the Princes are for maintaining that their treaties were entered into with the Crown of Great Britain and for insisting that even after a united India has

got a federal constitution they must have direct relations with the British Crown through his Viceroy, I need not examine. Not being a lawyer myself, I cannot pronounce any opinion of my own on the matter. But I have read the opinions of some eminent Indian lawyers on the subject. Among them I quote the following from Sir Sivaswamy Aiyer's learned and thoughtful work on *Indian Constitutional Problems*:

"As regards the question with whom the Indian princes have entered into treaties, it is not correct to say that the treaties were entered into with the Crown irrespective of the sovereignty of British India . . . the Crown acted not in a personal capacity or in the capacity of sovereign of England but in the capacity of ruler of British India . . . The treaties . . . impose obligations on the rulers for the time being of the Indian States in favour of the authorities for the time being in charge of the Government of India . . . the (Government of India) Act contemplates the existence of political relations between the executive government of India and the Indian States. The executive government of British India is fully empowered to transact business with the Indian States. One provision which clinches the matter beyond doubt is the provision in s. 20, cl. 2, according to which the revenues of India include all tributes in respect of any territories which would have been receivable by, or in the name of, the East India Company, if the Government of India Act of 1853 had not been passed. There is surely no clearer proof . . . of the nexus with the Government of India than the payment of tribute to the credit of the revenues of India. The contention that the sovereign of a country who enters into a treaty does so in his personal capacity and not as the sovereign of that country is too absurd to be maintained in the twentieth century. The matters governed by the treaty relate to persons and things in India and arise out of the relations of the princes with the sovereign of British India, and it would be an

unthinkable constitutional absurdity that the right to enforce the treaties should vest not in the authorities for the time being charged with the administration of India, but in some other authority."

The opinion of the great Indian lawyer expressed in this passage appears to us laymen to be quite sound. The Indian States' tributes referred to by him continue to be paid to the Government of India.

It has been stated by more than one Maharaja : "We and our people will not tolerate for an instant British-Indian dictation." But nobody wants to bring the Princes and the States' people under the authority of the Provinces. Federation means that the States and the Provinces are in some matters of common interest to obey the authority of the whole of which they themselves are parts. It is quite easy to understand the humiliation of being dictated to. But those persons who have had to tolerate the dictation of foreign political officers might have saved themselves the trouble of assuming airs of superiority in relation to their own countrymen.

Whatever the Princes think, we the common people of India feel a pride in saluting our Motherland which we do not and cannot feel in being compelled to salute even the greatest of foreign countries because of its armed might.

One of the gravest complaints against the Indian Princes generally is that far too much of the revenues of their states is spent for the upkeep of their household and their personal pleasures. The states are not their personal property. Even private individuals who spend too much of their personal incomes for self-gratification and too little for the common good are blamed for falling below the ordinary human ideal of conduct. The Princes are, therefore, expected to cut down their personal expenditure and spend much more on what are known in the Provinces as nation-building departments, *e.g.*, education. The British sovereign's civil list, that is, the sums assigned for the expenses of the sovereign

and the Royal household, ought to be instructive to our Princes. The total amount of the British King's civil list is £ 576,000, and the total ordinary British revenue for 1929-30 was £ 734,188,748. So the King and his household got about .08 percent. (or eight per ten thousand) of the British revenues. The actual amount of the British civil list in Indian money at the present rate of exchange is Rs. 76,80,000. I am sorry I do not have before me the administration reports of all the Indian States which publish them. Therefore, it will not be proper for me to mention the names of the two progressive States whose latest reports are before me and from which I shall take the figures for comparison with the British civil list.

In one State of which the total revenue receipts for the year was only 249 lakhs, the expenses of the royal household amounted to Rs. 29,60,000. This works out at a little less than 12 per cent of the total revenues. In another state the total ordinary receipts amount to Rs. 247,23,000 and the palace expenses amount to Rs. 13,67,000, or 6.54 per cent of the total revenues. This latter state spends 20.12 per cent of the revenues on education. Therefore its palace expenditure must be considered as moderate, though comparatively not as moderate as that of the British royal household. Of course, on account of the immense revenue receipts of Great Britain its civil list appears very small in proportion. But considering that King George is the head of the largest far-flung Empire, the actual amount assigned for the expenditure of his household must be considered very moderate compared with even the amount spent for the palace of the last-mentioned of the two Indian States, which are very small in comparison with the British Empire. These, as I have said, are progressive states. There are states where the Prince spends more on his stable, his garage and his kennel than for the education of his subjects.

Whatever other things our Princes may or may not care for, I am sure they would be pleased if the income of

their states increased. That increase would depend on better development and utilization of the natural resources of their states. Such development and utilization would be possible if only their subjects grew more healthy, and received adequate general, vocational and technical education of the right kind. It must also be evident that the increased production of wealth in their territories would depend not only on the increased physical working capacity, knowledge and skill of the people but also on the increase in the labour force and in the directing force available in their territories. In other words, there would be greater wealth if the health conditions were better, facilities for the right kind of education were increased and the number of capable workers increased by the increase of population. Briefly, there must be better workers and more workers. The improvement I have in view would benefit both the people and the princes. At present large numbers of states' subjects sojourn or permanently settle in British India and grow wealthy, there, showing that they have enterprise and brains. These can be equally utilized for developing the resources of the regions where they were born.

Some people may think that in speaking of the need of increased population for the States, I am overlooking the danger of overpopulation. I am not. The average density of population in British India is 226 persons per square mile, and in the states only 101 per square mile. The only regions in the states which can be said to be densely populated are the Madras States Agency, with 511 persons to the square mile. Other regions are sparsely populated. How sparsely, will appear from the fact that the total area of 718,032 square miles of the states has 71,939,187 inhabitants, whereas the total of 1,094,301 square miles of the Provinces has 247,003,293 inhabitants. That is to say, the area of British India is about 50 per cent. more than that of the states, but the population of the former is more than three times that of the latter.

This difference will appear still more striking if we leave Burma out of British India. Then the area of British India will be 860,593 square miles and the population 233,791,101, as compared with the area of 771,032 square miles of Indian India with a population of only 71,939,187. Leaving out Burma the density of population of British India is 271 per square mile as compared with 101 per square mile of the Indian States.

It may be that British India contains a larger proportion of cultivable and fertile land than the Indian States. It may also be that the Provinces are comparatively richer in mineral resources than the states. Exact data are not available for arriving at a definite conclusion on these points. It has also to be borne in mind that the best harbours and the largest number of harbours belong to British India, giving it facilities for maritime commerce which the states, mostly inland, do not possess. But making every allowance for the superior advantages assumed to be possessed by British India in all the above-mentioned respects, they do not appear to me to be such as to account entirely for the immense difference between British India and Indian India in density of population. It seems to me that some other causes must have been at work for some appreciable length of time to produce such difference. These causes may relate to utilization of the resources of the regions; nutrition; sanitation; facilities for medical relief; education; facilities for trade and agriculture; the comparative presence or absence of the reign of law, personal liberty, and security of life and property; independence of the judiciary; and freedom of speech, association and of the press. Vital statistics for the Indian states as a whole are not available. Perhaps a few states are equal to British India in education and in some other matters, a fewer may even be superior in some respects. But on the whole, it must be admitted to our shame, that at present Indian India is inferior to British India in all or most of these respects I have

mentioned. There is a dwarfing of the mind in the Indian states as a whole. It has been well said that in creation there is nothing greater than man and in man there is nothing greater than mind. If in any region, only the material welfare of the people were well looked after but the mind was dwarfed, it would after all be like a well-managed cattle farm. Nothing can compensate for the stunting and atrophy of the mind of the people. But it cannot be said that in Indian India as a whole even the material welfare of the people is cared for.

It gives me pain and makes me ashamed to have to point out the defects of the Indian states in general, because their rulers are our countrymen ; but duty compels me to do so.

I had a mind to compare some of our states with some foreign countries similar in climate, material resources and geographical situation, in order to bring home to my audience their difference in material and intellectual condition. But it is almost impossible to find two countries in the world which are alike in those respects. Nevertheless, some comparisons may be instructive.

Let me take Kashmir and Switzerland. Both the countries are mountainous and cold, have a healthy climate and have no sea-coast. The intellectual achievements of Switzerland's greatest sons and her struggles for liberty have made the Swiss famous for all time. That Kashmiris are a gifted race is proved by the intellectual superiority of those of them who have settled in the Punjab and the United Provinces of Agra and Oudh. The Kashmiri settlers are lovers of freedom also, as the political activities and sufferings and sacrifices of their prominent men and women testify. But what is the intellectual achievement of home-keeping Kashmiris ? What political wisdom and heroism have they displayed ? Is not the difference between home-keeping Kashmiris and Kashmiri settlers due to the different political conditions under which they live ? In the whole of United India Kashmir occupies the lowest place in point of literacy.

It has considerable mineral resources *which have not yet* been fully surveyed even.

The area of Switzerland is 15,940 square miles, and the population, over forty lakhs. The revenue in 1929 was £13,180,000 (Rs. 17,57,33,333). Kashmir has an area of 84,258 square miles (more than five times that of Switzerland) and a population of 33,20,588 (less than that of Switzerland). The revenue of Kashmir in 1927-28 was Rs. 2,39,00,000, or about one-seventh of that of Switzerland.

Like Hyderabad in India, Czechoslovakia in Europe is an inland State. Both these countries are rich in mineral resources. But in Hyderabad these have not yet been successfully developed. Both have mountainous, picturesque and wooded tracts, as well as well watered fertile soil in plenty. Hyderabad has an area of 82,698 square miles and a population of 1,24,71,770. In 1928-29 its revenue was estimated to be Rs. 793 lakhs. In point of literacy, in the whole of India it is slightly superior only to Kashmir. The area of Czechoslovakia is 54,207 Sq. m. —much less than that of Hyderabad, but the population is greater, namely, 1,36,13,172 in 1921. The revenue of Czechoslovakia is at least eighty crores of rupees. The people of that republic are highly educated.

It would be tedious for you to listen to similar comparisons in the case of our smaller states. So I refrain.

I have referred to freedom of speech and meeting and freedom of the press as necessary for material and intellectual progress. These are in modern times among the fundamental rights of civilized peoples. Unfortunately, generally speaking these do not exist in our states. Moreover, there is nothing to prevent any state's subject being bundled out of it at any time without any trial or charge.

In civilized countries, the Press exists not merely for ventilating grievances and exposing acts of injustice and tyranny. It exists for remedying social abuses also, and for

the dissemination of useful information relating to all subjects. It is an educative agency. Hence its growth ought to be encouraged in all our states, but unhappily that is not the case. Most states have no newspapers at all.

From the fact that there are many newspapers in British India and few in Indian India, some people may hastily conclude that newspapers are necessary only when a country is under foreign subjection. That assumes that newspapers exist only for writing against the evils of foreign rule. But taking it for granted that criticizing the government and its officers is the only or main function of newspapers, it must be pointed out as a fact of history that indigenous rulers and governments have been also to blame. That is the reason why there have been revolutions even in countries ruled by kings belonging to the same race as the peoples of those countries.

Our states are ruled by persons who are Indians. But their governments are not perfect. In fact, there is believed to be misrule in the great majority of them. Hence, there ought to be newspapers there in order that they may improve. The existence of newspapers and progressive government are interrelated as cause and effect, and *vice versa*. The more a country is free and well governed, the larger is the number of well conducted newspapers there, and the larger is the number of high-class newspapers in a country the freer and better governed it is likely to be.

Not realizing this truth and certainly also being afraid of criticism and exposure, the rulers of the Indian States, speaking generally, have managed not only to prevent the growth of the Press in their territories, but have occasionally banned the entry into them of some Indian papers published in British India. They have not stopped here. They have got the Government of India to pass a Prince's Protection Act, which has made it rather risky to criticise the public conduct of a ruler or the administration of his state (which are often synonymous) effectively and in

detail. The very idea that the Princes require protection from the people of British India must make *the gods* laugh. Are we such terrible oppressors ? At the worst we can only use hard words, and hard words break no bones. And if the Princes could condescend so far as to entreat the Government of India to give them protection by legislation, why could not they, cannot they, condescend to sue us in British Indian courts for offences committed by us against them ?

As for their subjects, the Princes do not require protection from them ; it is the people, who require protection from those princes who are oppressors.

As some Princes have insisted that "British India and Indian States are two entirely different entities," I wonder whether any criticism of the administration of any Indian State may not come under the operation of the recent law enacted to prevent the creation of hostile feelings between British India and any foreign state !

I shall perhaps be expected to say some thing on the recent speech of Sir Manubhai Mehta, Dewan of Bikaner. Sir Manubhai is not an ignorant man but a well-informed statesman. I have not been, therefore, able to understand definitely why he spoke as he did.

As he is a member of the Round Table Conference, he had every opportunity to tell his colleagues what he now says, namely, that "the federation likely to be accepted by the Indian Princes would tend more towards confederation for specifically defined subjects of joint interest than towards unity or union." Sir Manubhai need not have raised the bogey of unity or union. Nobody has suggested that the states should lose their identity or individual existence. As for confederation, Webster defines it as "A body of independent states more or less permanently joined together for joint action in matters, especially in foreign affairs, which affect them in common." Neither the Provinces of British

India nor the Indian States being independent, their combination cannot be called a confederation. Americans consider federation and confederation to be things of such opposite character that the states forming the federation of U. S. A. are forbidden to enter into any confederation.

In a confederation, the component parts do not form a new state. The states forming a confederation retain their sovereignties unimpaired. In a federation, on the other hand, the combination of the component parts results in the formation of a new state, in which the sovereignty is divided between the central state and its component parts. That is the kind of political organisation proposed at the Round Table Conference.

5 1 58.

Sir Manubhai has further observed that "to suggest that the Supreme Federal Court of the future India ought to entertain appeals from decrees of the highest judicial tribunals of the Indian States was to import the incidence of complete union where only federation for a few scheduled subjects was contemplated." It were much to be wished that even an appreciable number of the Indian States had any properly constituted judicial tribunals at all. But that is by the by. Sir Manubhai undoubtedly knows that it can not be said that no federation in the world possesses a final court of appeal. The Federal Tribunal of Switzerland, for example, besides performing other duties, acts as a Final Court of Appeal. That is rightly not considered a breach of the sovereignty of the Swiss cantons which are the component parts of the Swiss federal system. The Supreme Court of the U. S. A. is in many respects a court of appeal. Moreover, the Judicial Committee of the Privy Council in Great Britain has a jurisdiction which includes appeals from colonial courts of law. That is not held to be an interference with the sovereignty of the colonies. In Sir Manubhai's opinion, the Indian States are *sui generis*; but surely that does not mean that everything relating to them must be such as never was or is on land or sea or sky.

I shall have to notice briefly some other passages in Sir Manubhai's speech. He declares that

"To suggest that the subjects of *Indian States would hereafter be* the subjects of Federal India, and would, accordingly, require a declaration of similar fundamental rights as the subjects of British India, was to ignore altogether the natural laws of allegiance. Indian Princes did not want their subjects to have divided allegiance, as they were anxious to have their internal sovereignty altogether left alone and intact."

Supposing that, as Sir Manubhai demands, the States' people remained the subjects only of the Indian States, would it not even then be necessary to guarantee to them such elementary rights of civilized men as liberty of the person, liberty of speech and writing, liberty of meeting, liberty of press, security of property, freedom from any kind of punishment except after open trial according to a duly enacted and promulgated law, and the like ? The States' people have not got these rights now, and federation or no federation, they must have them. Does Sir Manubhai desire that the States' people should for ever remain, like slaves, completely at the mercy of their rulers ? They cannot agree to do so.

There is a way in which the Princes' sovereignty, such as it is, may be preserved and the demand of their people may also be met. On a recent occasion H. H. the Maharaja of Bikaner said with reference to the demand for a declaration of the fundamental rights of the Indian States' subjects :

"We shall know how and when to adjust our system to any changing conditions, but we will do it in our own way, free from external interference."

Let His Highness and his brethren at once concede to their subjects the elementary rights of citizens voluntarily and generously, thus destroying even the possibility of external interference in this respect.

What does the Dewan of Bikaner mean by the natural law of allegiance ? It is a curious phrase. Does he mean that there is an unalterable law giving to the Princes the

exclusive right to the loyalty of their subjects, like the physical law of gravitation ? In British India, after the birth of a Federated India, we shall be loyal both to our respective provinces and to India as a whole—we shall obey the provincial laws as well as the federal laws. We shall be the respective citizens of Assam, Bihar, etc., as well as of Federated India. Would it be impossible for a particular State's people to be similarly loyal both to that state and to Federated India, to obey both that state's laws and Federal laws, to be citizens of that State and of Federated India ? It is of the essence of a Federation that its component parts part with some of their powers to the federated whole. If the princes really want a federation for the whole of India, how can they have in their States "their internal sovereignty altogether left alone and intact ?" Perhaps it is this anxiety of Sir Manubhai's master and his brother princes to continue to enjoy their undiminished autocracy which has led the Dewan, on second thoughts after his return from England, to speak of 'confederation' instead of federation.

Sir Manubhai thinks that "it was only in the domain of the joint interest of the subjects of a common concern, like defence, external relations, railways, customs, post, telegraph, currency, and exchange that their subjects would claim to sit in the Federal Legislatures, and contribute their thought towards the shaping of the common policies of the country."

It was very good of the speaker to propose to allow the States' subjects to sit in the Federal Legislature (as nominees of the Princes ?) for shaping the common policies of the country, and also, I presume, for making laws relating to federalised subjects. But will not the States' subjects have to be loyal to those policies and laws relating to federalized subjects which they will help to shape and make ? Will not that make their allegiance divided ? And is Sir Manubhai quite sure that the federalized subjects will not include some over which the states at

present have entire or partial jurisdiction? Will the federalization of these subjects leave the internal sovereignty of the Princes quite intact?

The question has been raised as to who should be vested with the residuary powers. I have not the least doubt that the Central or Federal Government should have these powers. The U. S. A. Federal Government has got all residual powers and even many provincial powers concentrated in its hands. The most vital concern of the States and the Provinces of India should be the preservation of the integrity and freedom of Federated India against internal dissensions and secessionist, fissiparous and rebellious tendencies, as well as against external hostility. This alone would make it necessary for the Federal Government to have residuary powers. Such powers are also necessary to co-ordinate the legislation and administration of the States and Provinces and to arbitrate and settle disputes among them. To begin with, subjects will no doubt be classified as federal and non-federal. But in course of time new and unclassified subjects may crop up. The best arrangement is to have a provision that these are to be automatically treated as within the jurisdiction of the federal government.

It should be the cherished hope of all Indians, whatever their station in life, that India would soon begin her pilgrimage to the goal of our aspirations. At such a time the utmost harmony and co-operation should be the rule. Such being my conviction, criticism has been to me a painful duty. But I hope my criticism has not been merely destructive. And I hope that where it has been destructive, my object was to remove what was injurious, effete or rotten, in order that something better, something more serviceable, may take its place.

It is a proud privilege to be a worker. And a worker is a servant. It is our aspiration to be such servants of the Motherland. The greatest among us, by hereditary rank or

by intellectual and spiritual stature or both, need not be ashamed of being called servants. The Pope of Rome exercises undisputed spiritual sway over millions upon millions of his co-religionists all over the world. And he styles himself "Servus Servorum Dei," "Servant of the Servants of God." When ex-king Amanullah Khan declared himself the servant of his people, he earned praise by speaking the truth. Gopal Krishna Gokhale founded a society of the Servants of India, himself being the first servant. Mahatma Gandhi considers and calls himself a servant of the people. Not to speak of elected kings and limited monarchs of other kinds in ancient India, even so-called absolute monarchs were, according to *dharma* and tradition, expected to serve the people. The very derivation of the word *raja*—"प्रजाम् रञ्जयतीति राजा," "a *raja* is so-called from keeping the people contented", shows the underlying idea. This is made clearer still in the line from Kalidasa's *Raghuramsa* "तथैव सोऽभूदन्वर्थो राजा प्रकृतिरञ्जनात्," "He became literally a *raja* from having gratified the people." Of a king of the solar race it is said in the same epic :

“प्रजानामेव भूत्यर्थं न ताभ्यो बलिमग्रहीत ।
सहस्रगुणमुत्सृज्यदुमादत्ते हि रसं रविः ॥”

“He took taxes from the people for their welfare alone, as the sun sucks up moisture to pour it down a thousand-fold.”

That the king was the servant of his people was not a figure of speech in ancient India. It was a clearly enunciated principle of ancient Indian politics. In proof, I need quote only one *sloka* from the Sukranitisara :—

“स्वभागभृत्या दास्यत्वे प्रजानां च नृपः कृतः ।
ब्रह्मणा स्वामि स्यात् पालनार्थं हि सर्वदा ॥”

“God has made the king, though master in form, the servant of the people, getting his wages (sustenance) in taxes for the purpose of continuous protection and growth.”

Let us pray to the Lord to make all of us true children and true servants of the Motherland.

Printed and Published by S. K. Das, B. Sc. at the
PRABASI PRESS
120-2, Upper Circular Road, Calcutta.





